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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/912,873 | 07/25/2001 | Akito Kohno | 393032027100 | 7246 |

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| EXAMINER |
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SELLERS, DANIEL R

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| ART UNIT | PAPER NUMBER |
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2615

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07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/912,873 | Applicant(s) KOHNO ET AL. | |
| | Examiner Daniel R. Sellers | Art Unit 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. **Claims 8, 12, and 13** are objected to because of the following informalities:
3. Regarding claims 8, 12, and 13, the claim language is unclear with respect to "audio signals". In claim 12, step (b) recites "mixing audio signals... after performing equalizing and volume control to the audio signals" and step (d) recites "recording audio signals to a plurality of tracks". It is unclear whether the "audio signals" in step (b) and those in step (d) are the same signal or different signals. The Office will treat the audio signals in step (b) and (c) as a first similar signal and the "audio signals" in steps (d)-(k) as a second similar signal. Claims 8 and 13 will be treated similarly. Appropriate correction may be required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 seeks protection for a computer program. Computer programs are non-statutory subject matter, however computer-

processing related claims can be acceptable if written in the proper format. A "computer readable medium embodied with a computer program" is considered acceptable, wherein the claimed subject matter seeks protection for a computer readable medium and not a computer program.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wadhams (USPN 5,225,618).

7. Regarding **claim 8**, Wadhams teaches a recording/reproducing mixer (Col. 2, lines 1-24, Col. 3, lines 15-49, and Fig. 1), comprising:

a plurality of input channels (Col. 10, lines 58-62 and Fig. 1, unit 94);
a channel selector that selects the input channels (Col. 14, lines 41-68 and Fig. 4, units 129, 130, and 131);
a mixing device that mixes audio signals from the selected input channels after performing equalizing and volume control to the audio signals (Col. 11, lines 19-22 and Fig. 1, unit 98);
an output device that outputs the audio signals mixed by the mixing device (Col. 11, lines 56-62 and Fig. 1, units 98E, 101, 103, and 105);
a recorder/reproducer that can record audio signals to a plurality of tracks (Col. 7, lines 41-60);
a reading device that reads the audio signal from each track (Col. 4, line 63 - Col. 5, line 7);
a supplying device that supplies the audio signal read from each track to corresponding input channel (Col. 8, lines 6-22, Col. 9, lines 31-49, and Col. 10, lines 17-20);
a solo mode selector that selects a solo mode (Col. 13, lines 26-31 and Fig. 4, unit 133);
a solo channel selector that selects at least one of the plurality of input channels for the solo mode (Col. 13, lines 26-45);

a listening mode selector that selects a listening mode (Col. 14, lines 41-68 and Fig. 4, units 129, 130, and 131);

a track selector that selects at least one of the plurality of tracks of the recorder/reproducer (Col. 15, lines 1-14); and

an output controller that controls the channel selector to select the input channel selected by the solo channel selector instead of the input channel originally selected by the channel selector for the solo mode, and controls the output device to output the audio signal directly from the track selected by the track selector instead of the audio signal mixed by the mixing device (Col. 14, line 41 - Col. 15, line 14).

Wadhams teaches these features.

8. Regarding **claim 9**, the further limitation of claim 8, see the preceding argument with respect to claim 8. Wadhams teaches the features of claim 8 and the feature, wherein a starting position designating device that designates a starting position of reading out the audio signals, and wherein the reading device starts to read the audio signals from the designated starting position (Col. 15, lines 27-44).

9. Regarding **claim 10**, the further limitation of claim 8, see the preceding argument with respect to claim 8. Wadhams teaches the features of claim 8 and the feature, wherein a position storing device that stores a reading position when the listening mode is selected, and wherein the reading device starts to read the audio signals from the stored reading position (Col. 15, lines 27-63).

10. Regarding **claim 11**, the further limitation of claim 8, see the preceding argument with respect to claim 8. Wadhams teaches the features of claim 8 and the feature, wherein a solo mode can be selected when the listening mode is not selected (Col. 15, lines 1-14, wherein it is inherent that the Solo mode can be selected individually from the Play, Synth, or Overdub keys).

11. Regarding **claim 12**, see the preceding argument with respect to claim 8.

Wadhams teaches these features.

12. Regarding **claim 13**, see the preceding argument with respect to claim 8.

Wadhams teaches these features.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Modeste et al. (USPN 5,852,800).

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7564.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


SINH TRAN
SUPERVISORY PATENT EXAMINER